

PC23569A  
Response to Restriction Requirement



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Certificate of Mailing (37 C.F.R. §1.80);  
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Amendment, Commissioner for Patents,  
PO Box 1450, Alexandria, VA 22313-1450  
on this 21<sup>st</sup> day of December 2005.

s/

*Rachel Potash*  
Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:  
CONNIE LI SUN, et al.

Serial No.: 10/781,928

Filed: February 20, 2004

For: THE USE OF 8-AMINO-ARYL-  
SUBSTITUTED IMIDAZOPYRAZINES AS  
KINASE INHIBITORS

Group Art Unit: 1624

Examiner: Zachary C. Tucker

Mail Stop: Amendment  
Commissioner For Patents  
P.O. Box 1450  
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TRANSMITTAL LETTER

Transmitted herewith are the following documents:

1. Response to Restriction Requirement
2. Transmittal Letter
3. Total Fee Due \$0.00

3 pages;  
1 page; and  
Deposit Account.

Respectfully submitted,

Date: 12/21/2005

*Vincent P. Liptak*  
Vincent P. Liptak  
Agent For Applicants  
Registration No. 53,225

Agouron Pharmaceuticals, Inc./A Pfizer Company  
Patent Department  
10777 Science Center Drive  
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Certificate of Mailing (37 C.F.R. §1.8):  
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s/ Rachel Potash  
Rachel Potash

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re the Application of:**  
**Connie Li Sun, et al.**

**Serial No.: 10/781,928**

**Confirmation No.: 9693**

**Filed: February 20, 2004**

**For: THE USE OF 8-AMINO-ARYL-  
SUBSTITUTED IMIDAZOPYRAZINES  
AS KINASE INHIBITORS**

**Group Art Unit: 1624**

**Examiner: Zachary C. Tucker**

Mail Stop: AMENDMENT  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In a restriction requirement dated November 25, 2005, the Examiner required restriction under 35 U.S.C. § 121 between:

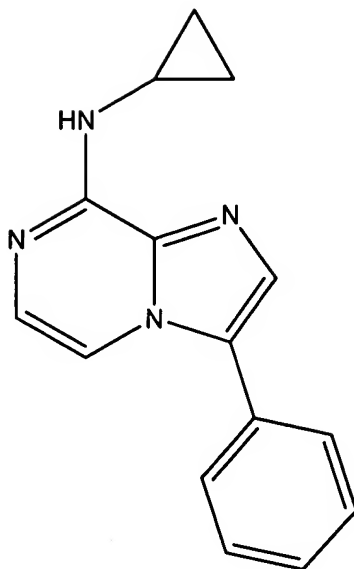
Group I: Claims 1-7, drawn to imidazopyrazine compounds, classified in class/subclass 544/350.

Group II: Claims 8-16, drawn to methods of treating diverse diseases and conditions, and a pharmaceutical composition employed for that purpose, classified in class/subclass 514/249.

Applicants elect without traverse the claims of Group I, drawn to imidazopyrazine compounds, classified in class/subclass 544/350.

In addition, the Examiner has required election of species under 35 U.S.C. § 121.

Applicants elect with traverse the species



The elected species can be found in Example 31, page 77 of the specification.

Applicants traverse the election of species on the grounds that all of the compounds of group II fall within structurally similar subclasses, and that searching the subclasses should not place a serious burden on the Examiner.

#### **Abstract**

The Examiner has objected to the abstract alleging that the abstract does not provide a concise description of the claimed subject matter and disclosed subject matter. The Applicants respectfully disagree.

37 CFR 1.72(b) states that the purpose of the abstract is to enable the USPTO and the public generally to determine quickly, from a cursory inspection, the nature and gist of the technical disclosure. MPEP § 608.01(b) further states that the abstract for applications involving chemical compounds, the abstract should include the identity and use of the compounds. The Applicants respectfully submit that the present abstract meets this standard. The abstract clearly identifies the compounds (i.e. 8-amino-aryl-substituted imidazopyrazines) and their use (i.e. modulate the activity of protein kinases). Neither 37 CFR 1.72(b) nor MPEP § 608.01(b) require a "generic structure", as required by the Examiner, be included in the abstract to meet the standard. Accordingly, the abstract as originally presented should be accepted by the Examiner.

Finally, Applicants hereby petition for any required extension of time that may be required. Please charge all required fees to Deposit Account No. 500329.

Respectfully submitted,

Date: 12/21/2005

  
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